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April 15, 1996

APR 15 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making for Amendment of Part 73 of the Commission's Rules Concerning the Power Limitations for Class C AM Broadcast Stations

Dear Mr. Caton:

Transmitted herewith on behalf of Far West Radio, Inc., licensee of KLRV-AM, Las Vegas, Nevada, please find an original and four (4) copies of a Petition for Rule Making seeking that the Commission institute a rule making proceeding looking toward increasing the maximum power of certain Class C AM stations to 5 kW. The Petition for Rule Making proposes that the Commission increase the maximum daytime and nighttime power of Class C AM stations that can demonstrate a population of 250,000 persons within its 0.5 mV/m contour.

If there are any questions regarding this matter, please contact the undersigned directly.

Sincerely,

Ronald G. London

Enclosures

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 15 1996

In the Matter of	)	
	)	
Amendment of Part 73 of the	)	Docket No._____
Commission's Rules Concerning	)	
the Power Limitations for Class C	)	RM-_____
AM Broadcast Stations	)	

TO: The Commission

PETITION FOR RULEMAKING

Far West Radio, Inc. ("Far West"), licensee of KLRV-AM, Las Vegas, Nevada, by its attorneys, pursuant to § 1.401 of the Commission's Rules, hereby petitions that the Commission institute a rule making proceeding looking toward increasing the maximum power of certain Class C AM stations to 5 kW. Far West proposes that the Commission increase the maximum daytime and nighttime power of Class C AM stations for any station that can demonstrate a population of 250,000[1/] within its 0.5 mV/m contour.

Any station seeking to so increase its power would be required to employ an antenna system with such an angle of radiation so as to reduce skywave emissions as would be accomplished in most cases through the use of a 5/8-wave or 1/2-wave skywave suppression antenna. Applicants would be required to specify the antenna system and its theoretical reduction of skywave emission from the existing 1/4 way system in place at most Class C Applications.

[1/] For Class C AM stations that are not able to demonstrate 250,000 persons within its 0.5 mV/m contour, increases in power to 5 kW may be granted on a case-by-case basis upon a showing of need by the licensee. If the increase is granted to such a station, the licensee would be required to abide by the conditions set forth for such an increase proposed in the balance of this Petition.

There is a significant need among Class C AM stations for the requested increase in power. The force driving this need is the expansion of cities' corporate limits as suburban and rural areas are either encompassed by the growth of a nearby city or the suburban or rural area itself experiences significant growth. As a result of the former, Class C AM stations designed to provide local service to a suburban or rural community of license find themselves competing for previously suburban or rural listeners against higher class stations with whom Class C AM stations are clearly not on equal footing. As a result of the latter, Class C stations designed to provide local service are finding their facilities suddenly insufficient to cover the whole community of license and/or its surrounding areas.

This is particularly true in that, when the lion's share of existing Class C AM stations were built, their markets were relatively small places like Las Vegas, Nevada, or Atlanta, Georgia. As those markets have experienced significant expansion their local Class C AM stations have been hard pressed to keep up. These local channels in the past did not face competition from their more powerful regional brethren because the localities to which the former were licensed did not attract such competition. But now, as those markets have expanded and attracted competitors broadcasting with more powerful facilities, local Class C AM stations have found it difficult if not impossible to serve the entire local market which they were originally designed to serve.

Another problem that significantly affects Class C AM stations as a result of either the growth of their local market or the growth of nearby cities so as to encompass the Class C AM stations' local markets is the problem of man-made noise. While it is true that AM service in general is particularly vulnerable to man-made interference, it affects the smaller, less powerful Class C AM station more prominently. When considering the problem of man-

made interference, it is apparent that the smaller a station's coverage area is to begin with, the greater the impact of the man-made interference, because it leaves the already power-impoverished Class C AM broadcaster that much poorer in terms of the number of people it can reach.

The upgrade of Class C AM stations to 5 kW is clearly feasible under the Commission's policies and objectives. Such an upgrade could be accomplished at a cost of approximately $75,000. The increased power would permit Class C AM stations near or in larger markets to compete more successfully with the other stations in the market, thus raising the level of service that these local stations can provide to their local markets.[2/] By making this upgrade available only to stations that can demonstrate either a population of 250,000 people in their 0.5 mV/m contour or an equivalent need limits the effects of the proposed amendment to those Class C AM stations that clearly have the greatest need and the most difficulty reaching the whole of their local market. By requiring that licensees employ a 5/8-wave or 1/2-wave system, or some other system designed to suppress skywave emissions as the Commission may deem acceptable from time to time, in order to take advantage of the proposed change in the rules to allow an increase in power for Class C AM stations to 5 kW, any increase in interference as a result of the increased power would be minimized. In addition, advances in AM receiver technology, including but not limited to digital tuning, have made interference due to spillover much less problematic than in the past.

[2/] It is notable that in larger markets, many Class C AM stations tend to be minority owned. Relieving such stations from part of the competitive disadvantage that has resulted from the growth of their local market or the envelopment of their local market by a nearby larger market would be in the public interest and would serve the Commission's objectives of providing incentives to minority broadcasters. See, e.e., Policies and Rules Regarding Minority Ownership of Mass Media Facilities, 10 FCC Rcd 2788 (1995).

In summary, there are significant public interest reasons for allowing Class C AM stations to operate at a power commensurate with the size of the local markets they were intended to serve. The effects of this rule would be limited to those Class C AM stations that need it most in order to fully serve their community of license. The growth of those markets and/or that of nearby markets which Class C AM stations must begin to be able to serve in order to stay sufficiently competitive have necessitated that the proposed increase in power be granted. Finally, any interference from such an increase would be minimal. As such, Far West respectfully requests that the Commission initiate a rule making looking toward increasing the maximum allowable power for Class C AM stations to 5 kW.

Respectfully submitted,

FAR WEST RADIO, INC.

By: _____
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Its Attorneys

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April 15, 1996

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TEXT OF PROPOSED RULE

(1) CLASS C STATION.
A Class C station is a station operating on a local channel and is designed to render service only over a primary service area that may be reduced as a consequence of interference in accordance with § 73.182. The power shall not be less that .25 kW, nor more than ~~1~~ 5 kW. Class C stations that are licensed to operate with 0.1 kW may continue to do so.